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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL NO. 1456
Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

Hon. Patti B. Saris

**TRACK 1 DEFENDANTS' MOTION FOR
LEAVE TO FILE UNDER SEAL**

The Track 1 Defendants,¹ by their attorneys, hereby move this Court for leave to file the Declaration of Kristi T. Prinzo in Support of the Track 1 Defendants' Opposition to Plaintiffs' Proposed Addition of Class Representatives and Proposed Consolidated Order re: Motion for Class Certification under Seal.

Pursuant to the Protective Order entered by this Court on December 13, 2002 (the "Protective Order") both the parties in the above captioned case and non-party witnesses have designated many documents and other information produced in this litigation as either "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." The foregoing submission incorporates documents containing information that has been designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." It includes references to contractual terms and pricing data that defendants and non-party witnesses deem highly proprietary in

¹ The Track 1 defendants are: AstraZeneca, the BMS Group, SmithKlineBeecham, d/b/a GlaxoSmithKline, the Johnson & Johnson Group, and the Schering-Plough Group.

nature. Pursuant to paragraph 15 of the Protective Order, any document or pleading containing quotes from or otherwise referencing such information shall be filed under seal.

WHEREFORE, the Track 1 Defendants respectfully request that this Court grant them leave to file the submissions listed above under seal.

Dated: December 1, 2005

/s/ Kristi T. Prinzo
Kristi T. Prinzo
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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2005, I caused a true and correct copy of the foregoing **Notice of Filing Under Seal** to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Eric P. Christofferson
Eric P. Christofferson